UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

VERGIE M. SMITH,

Plaintiff,

-vs-   **Case No. 15-C-873**

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

DECISION AND ORDER

Plaintiff Vergie M. Smith ("Smith") seeks leave to proceed *in forma pauperis* ("IFP") (ECF No. 2) on her appeal from the denial of her applications for social security disability benefits and supplemental security income. In order to authorize a litigant to proceed IFP, the Court must make two determinations: first, whether the litigant is unable to pay the costs of commencing this action; and second, whether the action is frivolous or malicious. 28 U.S.C. §§ 1915(a) and (e)(2)(B)(i). The Court must deny a request to proceed IFP if (1) the allegation of poverty is untrue; (2) the action is frivolous; (3) the action fails to state a claim; or (4) the action seeks monetary relief against an immune defendant. 28 U.S.C. § 1915(e)(2).

By her petition and affidavit to proceed IFP, Smith avers that she is married and has no persons whom she is legally responsible to support.

Smith receives $334 in public assistance each month, and her spouse receives monthly income of $888 ($248 in disability compensation and $640 in retirement income). Neither she nor her spouse own a motor vehicle. They have no funds in a financial account and have no valuable tangible or intangible property. Smith's monthly expenses exceed her monthly total income by $3.

Based on the information provided, Smith has satisfied the requirements of 28 U.S.C. § 1915(a) by demonstrating that she is unable to pay the $350 filing fee for this action. Furthermore, Smith's Complaint states arguable claims for relief. Accordingly, Smith's petition for leave to proceed IFP is granted.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Smith's petition for leave to proceed IFP (ECF No. 2) is **GRANTED**.

Dated at Milwaukee, Wisconsin, this **23rd** day of July, 2015.

BY THE COURT:

HON. RUDOLPH T. RANDA
U.S. District Judge

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